IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. FOR JUDGMENT NO.694 OF 2003

IN

SUMM.SUIT NO.5975 OF 1999

Trade Wings Limited .. Plaintiff

versus

State Bank of Saurashtra .. Defendant

Mr.S.Purohit i.b Dave & Girish for Plaintiff

Mr.Prakash Shinde i/b M.Dhruv for Defendant

CORAM : D.G. KARNIK, J

DATED : 13th April 2005.

P.C:-

1. Heard learned counsel for the parpties. Travel cheques in question were purchased at Rajkot from Rajkot branch of the defendant. Suit transaction therefore took place at Rajkot. Leave under clause 12 of the Letters Patent has not been obtained before filing of the suit. In the circumstances, triable issues regarding the jurisdiction of the court arise in the matter. Accordingly,the defendant is granted

unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendant to file the written statement within four weeks.

D.G.KARNIK, J